

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

GS HOLISTIC, LLC,

Plaintiff,

v.

GRANITE VAPE LLC, et al.,

Defendants.

CASE NO. C23-0317JLR

ORDER

Before the court is Plaintiff GS Holistic, LLC's ("GS Holistic") third motion for an extension of time to perfect service on Defendant Amir Rai. (Mot. (Dkt. # 19); *see* 6/7/23 Order (Dkt. # 14) (finding that GS Holistic had not demonstrated good cause for its failure to serve Mr. Rai before the 90-day deadline set forth in Federal Rule of Civil Procedure 4(m) but nevertheless granting a 60-day extension of the service deadline); 8/8/23 Order (Dkt. # 18) (denying GS Holistic's second motion for an extension of time due to GS Holistic's failure to comply with the court's Local Civil Rules).) The court GRANTS GS Holistic's motion.



1 Federal Rule of Civil Procedure 4 requires a plaintiff to serve the defendant with a  
2 summons and a copy of the complaint and sets forth the specific requirements for doing  
3 so. *See* Fed. R. Civ. P. 4. Rule 4(m), which provides the timeframe in which service  
4 must be effectuated, states in relevant part:

5 If a defendant is not served within 90 days after the complaint is filed, the  
6 court—on motion or on its own after notice to the plaintiff—must dismiss  
7 the action without prejudice against that defendant or order that service be  
made within a specified time. But if the plaintiff shows good cause for the  
failure, the court must extend the time for service for an appropriate period.

8 *Id.*

9 GS Holistic filed this action on March 6, 2023. (Compl. (Dkt. # 1).) As a result,  
10 Rule 4(m)’s 90-day deadline for effectuating service of process expired on Monday, June  
11 5, 2023. Fed. R. Civ. P. 4(m). On June 7, 2023, the court granted GS Holistic’s first  
12 motion for a 60-day extension of the deadline to serve Mr. Rai, despite finding that GS  
13 Holistic had not demonstrated good cause for its failure to effectuate service before the  
14 Rule 4(m) deadline. (6/7/23 Order at 2-3.) The court ordered GS Holistic to file proof of  
15 service on Mr. Rai by no later than August 4, 2023, and warned GS Holistic that (1)  
16 failure to do so could result in dismissal without prejudice of its claims against Mr. Rai  
17 and (2) further extensions of the deadline to serve Mr. Rai would not be granted absent  
18 exceptional circumstances. (*Id.* at 3.)

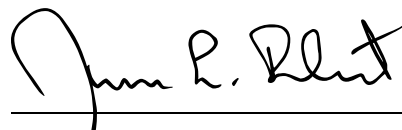
19 GS Holistic now represents that its process server attempted to serve Mr. Rai at a  
20 new address on June 13, 2023, six days after the court granted GS Holistic’s first motion  
21 for an extension of time. (Mot. ¶¶ 4-5.) The current resident at that address told the  
22 process server that Mr. Rai had “moved out of country six months ago.” (*Id.* ¶¶ 5-6; *id.*,



1 Ex. A (affidavit of non-service).) At some point, GS Holistic performed a skip trace on  
2 Mr. Rai in an effort to locate another address, but “all of the addresses were already  
3 attempted.” (*Id.* ¶ 7; *id.*, Ex. B (skip trace report).) GS Holistic now asks the court to  
4 extend the Rule 4(m) deadline by an additional 30 days to allow it to perfect service on  
5 Mr. Khan “either personally or by publication.” (*Id.* ¶ 9.)

6 The court has reviewed the materials that GS Holistic filed in support of its third  
7 motion for an extension of time to perfect service and concludes that GS Holistic has not  
8 established exceptional circumstances, let alone good cause, that would justify a further  
9 extension of time. (*See* 6/7/23 Order); Fed. R. Civ. P. 4(m). Specifically, it appears that  
10 GS Holistic has made only one attempt to serve Mr. Rai during the 60 days that have  
11 elapsed since the court granted its first motion for an extension of time. (*See* Mot.)  
12 Nevertheless, the court will GRANT GS Holistic’s motion (Dkt. # 19) and extend the  
13 deadline for GS Holistic to perfect service on Mr. Rai for an additional **30** days. GS  
14 Holistic shall file proof of service on Mr. Rai by no later than **September 4, 2023**. This  
15 order does not grant GS Holistic leave to serve Mr. Rai by publication or by any other  
16 means. Failure to timely file proof of service will result in the dismissal without  
17 prejudice of GS Holistic’s claims against Mr. Rai. No further extensions of the deadline  
18 to serve Mr. Rai will be granted.

19 Dated this 17th day of August, 2023.

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21 JAMES L. ROBART  
22 United States District Judge